

### REMARKS

This Preliminary Amendment in RCE Application is in reply to the Office Action of February 20, 2008. The Office Action indicated that Claims 1-23 are pending and rejected. With this Amendment, Claims 12-23 are cancelled, Claims 1 and 9 are amended, and new Claims 24-35 are added. Claims 1-11, 24-25 are presented for reconsideration and allowance.

### New Claims

New Claims 23-24 are added. Support for the new claims can be found in the original specification at least at page 3, line 28 through page 4 line 2.

### Claim Rejections under 35 USC 102

In the Office Action, Claims 1-5 were rejected under 35 USC 102(b) over Ura et al. WO 01/080331, using US 2003/0017383 as an equivalent English translation.

With this Amendment, Claim 1 is amended to include limitations to the cover controlling the outer surface temperature of the combined cover and electrical energy storage cell such that the combined cover and electrical energy storage cell comprise intrinsically safe equipment.

Ura et al. does not disclose a cover controlling an outer surface temperature of a combined cover and electrical energy storage cell such that the combined cover and electrical energy storage cell comprise intrinsically safe equipment.

Withdrawal of the rejection of Claims 1-5, and reconsideration and allowance of Claims 1-5 are therefore requested.

In the Office Action, Claims 12 and 16 were rejected under 35 USC 102(b). Claims 12 and 16 are presented cancelled and the rejection is moot.

### Claim Rejections under 35 USC 103

In the Office Action, Claims 6 and 7 were rejected under 35 USC 103(a) over Ura et al.

in view of a Patent Abstract of Toyoda Publication No. JP 2001-243927.

As discussed above, Claim 1 is presently amended to include limitations to a cover controlling an outer surface temperature of a combined cover and electrical energy storage cell such that the combined cover and electrical energy storage cell comprise an intrinsically safe device.

Neither Ura et al. nor Toyoda, taken singly or in combination, teach or suggest a cover controlling an outer surface temperature of a combined cover and electrical energy storage cell such that the combined cover and electrical energy storage cell comprise an intrinsically safe device as presently claimed in Claim 1. Claim 1 is considered patentable. Claims 6 and 7, which depend from Claim 1, include limitations that, when taken in combination with the limitations of Claim 1, are also believed to be patentable. Withdrawal of the rejections of Claims 6 and 7, and reconsideration and allowance of Claims 6 and 7 are therefore requested.

In the Office Action, Claim 8 was rejected under 35 USC 103(a) over Ura et al. in view of Koehler et al. EP 0177225.

As discussed above, Claim 1 is presently amended to include limitations to a cover controlling an outer surface temperature of a combined cover and electrical energy storage cell such that the combined cover and electrical energy storage cell comprise an intrinsically safe device.

Neither Ura et al. nor Koehler, taken singly or in combination, teach or suggest a cover controlling an outer surface temperature of a combined cover and electrical energy storage cell such that the combined cover and electrical energy storage cell comprise an intrinsically safe device as presently claimed in Claim 1. Claim 1 is considered patentable. Claim 8, which depends from Claim 1, includes limitations that, when taken in combination with the limitations of Claim 1, is also believed to be patentable. Withdrawal of the rejections of Claim 8, and reconsideration and allowance of Claim 8 are therefore requested.

In the Office Action, Claims 9 and 10 were rejected under 35 USC 103(a) over Stafford et al. US 5,763,118 in view of Miller et al. US 5,204,194.

With this Amendment, Claim 9 is amended to include limitations to the combination of the first and second layers and the protective device rendering the battery intrinsically safe.

Neither Stafford et al. nor Miller et al., taken singly or in combination, teach or

suggest a combination of the first and second layers and the protective device rendering the battery intrinsically safe as presently claimed in Claim 9. Claim 9 is considered patentable. Claim 10, which depend from Claim 9, includes limitations that, when taken in combination with the limitations of Claim 9, is also believed to be patentable. Withdrawal of the rejections of Claims 9, 10 and reconsideration and allowance of Claims 9,10 are therefore requested.

In the Office Action, Claim 11 was rejected under 35 USC 103(a) over Stafford et al. in view of Miller et al. and further in view of Maggert et al. US 6,724,170.

As discussed above, Claim 9 is presently amended to include limitations to a combination of the first and second layers and the protective device rendering the battery intrinsically safe.

Neither Stafford et al. nor Miller et al. nor Maggert et al., taken singly or in combination, teach or suggest a combination of the first and second layers and the protective device rendering the battery intrinsically safe as presently claimed in Claim 9. Claim 9 is considered patentable. Claim 11, which depend from Claim 9, includes limitations that, when taken in combination with the limitations of Claim 9, is also believed to be patentable. Withdrawal of the rejections of Claim 11, and reconsideration and allowance of Claim 11 are therefore requested.

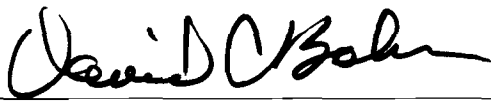
In the Office Action, Claims 13-15, 17-19 were rejected under 35 USC 103(a). With this Amendment, Claims 13-15, 17-19 are presently cancelled and the rejections are moot.

#### Concluding Remarks

The application appears to be in condition for allowance, and favorable action is requested. The Director is authorized to charge any fee deficiency required by this paper or credit any overpayment to Deposit Account No. 23-1123.

Respectfully submitted,

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